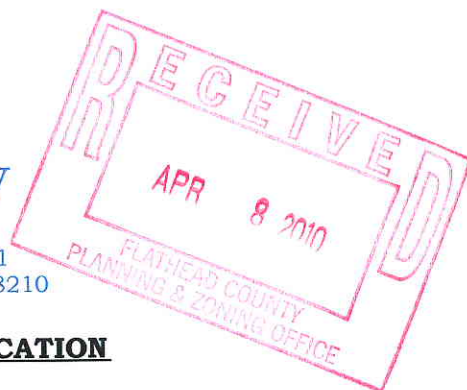




Flathead County
Planning & Zoning
1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



CONDITIONAL USE PERMIT APPLICATION

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ _____

PROPOSED USE (as described in the Flathead County Zoning Regulations):

Gravel Extraction - batching facilities

OWNER(S) OF RECORD:

Name: Krueger, Kenneth & Beulah, Gary & Jessica Phone: 406 753 2900

Mailing Address: 2410 West Springcreek rd.

City, State, Zip Code: Kalispell Mt 59901

Email: garykrueger@centurytel.net

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: Gary Krueger Phone: 406 261 7290

Mailing Address: 805 Church dr.

City, State, Zip Code: Kalispell Mt 59901

Email: garykrueger@centurytel.net

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street
Address: 2440 West Springcreek rd. S 15 T 29N R 22W

Subdivision	Tract	Lot	Block
Name: _____	No(s). _____	No(s). _____	No. _____

1. Zoning District and Zoning Classification in which use is proposed:

WW

2. Attach a plan that includes drawings & texts of the affected lot and how the following items correspond to it:

A. Site Suitability.

The site is suitable for the use. This includes:

- (1) adequate usable space
- (2) adequate access
- (3) absence of environmental constraints

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme
- (2) traffic circulation
- (3) open space
- (4) fencing, screening
- (5) landscaping
- (6) signage
- (7) lighting

C. Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (1) sewer
- (2) water
- (3) storm water drainage
- (4) fire protection
- (5) police protection
- (6) streets

D. Immediate Neighborhood Impact

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (1) excessive traffic generation
- (2) noise or vibration
- (3) dust, glare or heat
- (4) smoke, fumes, gas, or odors
- (5) inappropriate hours of operation

3. The following proposed uses shall meet additional requirements as outlined in the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts
- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses

Consultation with Planner:

Date _____

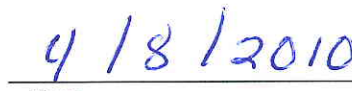
Planner's Signature _____

INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. A **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
 - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.


Applicant Signature


Date

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I am applying for a CUP Gravel Extraction for concrete and asphalt batch plants first for a concrete batch plant to be associated with the Krueger sand and gravel extraction pit operated by the Krueger family as Plateau Aggregate in the West Valley zoning district. This concrete batch plant is proposed on an adjacent parcel and will process sand and gravel extracted from this previously approved sand and gravel extraction site consistent with MCA 76-2-209(2). The second use is for an asphalt batching facility to be operated within the pit site itself more specifically in the facilities area of the Krueger Pit as defined by the DEQ plan of operation. This asphalt plant using materials from the Krueger Pit is not proposed as a plant with permanent buildings. In this application you will find two applicant criteria responses.

The application you have received will attempt to identify all possible impacts created by a permanent concrete batching facility on this adjacent site and provide for mitigation of those impacts. Impacts not anticipated may come up throughout this process, however given sufficient time I am confident a mitigation plan for an impact from this activity on this site can be found.



A. Site Suitability for the concrete plant

- 1) The site is 12 acres located west of West Spring Creek rd. and is 600 feet north south by 900 feet east west. This area is currently the main farmstead of the Krueger farm and the access road to the Krueger pit. On site are the grain and hay processing and storage facilities, truck and machine storage and one employee home. Immediately to the south of the site are a livestock feeding and handling area, and the Krueger family home. The site chosen for the batching facility will be at the west end of the site and provide ample room for trucks, facility and loaders to operate.
- 2) The access to the site is the current pit entrance from West Spring Creek rd. that was built to county road standards as a condition of a previous CUP. From West Spring Creek traffic will use Church dr. east or west. The anticipated volume of trucks from this plant would be 4.75 loaded mixer trucks per day. The cumulative number (with the gravel operations of 13.9 and asphalt at 3) is 21.65 loaded trucks per day. Including 5 employees and 5 delivery trips gives you 31.65. Now double that for return trips empty we have ADT of 63.3 with a possible peak use 60 % higher is 105 on occasion. These numbers assume gravel usage far higher than current numbers. A road core sampling of Church dr has shown that it is adequate for the use described.

- 3) The site is relatively flat with no creeks, springs, marshland, riparian areas, waterways or other environmental constraints. Two seasonal ponds are located 1550 feet east and south of the site. The property around these ponds is owned by the Krueger family. These ponds have tended to be dry in recent years, and would be dry if not used to store irrigation water. The shallow water table is 60 feet below the ground level and the deep aquifer 145. There are no fragile, compactable or unstable soils present. No important wildlife habitat, nesting, or feeding grounds will be impacted. The site is currently used for activities nearly the same as proposed in this CUP so little would change within this site.

B. Appropriateness of Design for the concrete plant

- 1) The parking area would be 600 feet off West Spring Creek rd along the south side of the site. This area is currently used for the same purpose. Trucks would use a truck shed on site or a parking area near the center of the site.
- 2) Mixer trucks entering from the east goes 600 feet west to the concrete batch plant drive through or back into the batch plant to be loaded and egress the same route.
- 3) The site sits nearly at the center of 320 acres parcel owned by the Krueger family, one would need to travel 1500 feet in any direction to get off the operators property.
- 4) The site is currently fenced on three sides. A 600 foot long row of mature 70 foot tall pine trees screen the site to the south. An 1800 foot long mature shelterbelt screens the site from Church dr and West Spring Creek rd east of the site. A twenty year old single row of carigana trees screen the north side of the site. To the west is 1300 feet of crops and the pit site from which the gravel and sand to be processed will be mined.
- 5) The areas of the site not occupied by farm buildings, grain storage or equipment parking are landscaped with grass and trees as noted in the previous section. The landscape around the plant will be similar to the other onsite buildings.
- 6) Signage at the entrance road will notice the operation, entrance and hours of operation.
- 7) Currently the site is lighted with security lights, operations lighting will be used and extinguish when not operating. These lights will be directed downward.

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C. Availability of Public Services and Facilities

- 1) Sanitation for the batch plant will be porta-toilets maintained by the company providing the toilet. In time a county approved septic system may be installed. A rest room on a septic system is currently in use on the site and may provide sanitation service of the site.
- 2) The water for the plant will be provided by a deep well on site if sufficient flows are available. Should demand for water increase a well will be drilled into the deep aquifer at the site. Water usage for batching purpose could be calculated assuming a 3.5 to 1 cement to water ratio. Using a six sack mix each yard would require 158 pounds of water or 21 gallons for an annual usage of 315 thousand gallons. Wash water would add a possible 90 thousand gallons to a total of 405 thousand. This could be supplied by a pump pumping at a rate of 35 gallons a minute for 192 hours per year.
- 3) Storm water from the plant and additional road or facilities would be minimal in volume and would be contained on the property. The area has sufficient open space to accommodate normal infiltration. Storm water from the plant would not enter the aquifer or other water bodies.
- 4) Fire protection is provided by the West Valley Fire Department. A 26,000 gallons cistern is currently located on the site and is draft capable to provide water for fire suppression.
- 5) The Flathead County Sheriff Department provides law enforcement for the area.
- 6) The Flathead County Road and Bridge department control and maintain the roads including Church dr. and West Spring Creek rd.

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D. Identifying Possible Immediate Neighborhood Impacts from a concrete plant

- 1) As calculated in section A.2) of this application the ADT with employees will be around 19.5 for the batching facility and the cumulative number including all mining activities 63.3 ADT. A possible peak day use for all activities is estimated to be 105 trips. Possible traffic conflicts would come at the entrance to the site on West Springcreek and where West Springcreek enters Church dr. Of concern is truck traffic on Church drive a 22 foot wide county road posted at a 35 MPH speed.
- 2) The processing of sand and gravel has some possible noises and vibration associated to it. The tipping of gravel into feeder bins, trucks running, back-up alarms and combustion engines can all create noise or vibrations.
- 3) Transfer of gravel, sand or cement powder, truck and loader traffic and dust blown from the site may be a potential source of dust. Lighting for the operation could be a source of glare.
- 4) Smoke, fumes, gas or odors from the running of trucks or loaders and generation of power and the heating of the control house or water are possible.
- 5) Concrete has a life or time frame where it is usable this time starts at the point of batching. The life of the mix is affected by temperature, humidity wind and sunlight as well as batch design. The size of a project may require more than twelve hours of pour time. The distance from the plant or conflicts at the project may require hours of operation outside of the normal.

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E. Mitigating Immediate Neighborhood Impacts

- 1) The operator of the concrete batch plant shall maintain West Springcreek rd. and its right-of-way keeping trees and bushes out of the sight line at both the entrance and the intersection of Church dr for public safety. Signs will alert traffic on Church dr. of trucks entering onto Church from West Springcreek rd. The operator shall require that all company owned trucks obey speed and load restrictions to reduce wear and tear on county roads. The operator will through signage on the egress route remind drivers of the narrow nature of the county roads and the importance of obeying the posted speeds. The entrance to the site shall be signed to alert the public to the commercial nature of the entrance. The West Springcreek road surface from the 200 feet south of the entrance to Church dr will be maintained by the operator of the pit. The pit operator shall be aware of and monitor the haul routes used by company owned trucks as well as private haulers. The pit operator will adjust usage if unusual wear or damage is apparent on these routes and must contact the county road department if damage occurs.
- 2) The concrete plant will use line power (FEC) for plant operations to eliminate the need for a gen-set thus eliminating one noise source. The operator shall line feeder bins with belting to reduce noise created by gravel hitting a metal surface. The plant is to be oriented to direct noise away from possible conflicts. The trees to the south of the plant will be maintained and replanted as old ones are lost to reduce noise leaving the site. All trucks and loaders shall be equipped with an approved muffler to reduce this noise and vibration source. While required for safety back-up alarms should be kept to a minimum by developing traffic patterns that avoid backing and using commonsense when navigating the site. If possible the plant operation should be covered or screen if unusual amounts of noise are created by the activity.
- 3) The operator shall where possible cover transfer and delivery points on conveyers, feeders and bins to reduce dust. The operator will pave or apply dust abatement to the traffic areas and roads in and around the batch plant and site to reduce dust from truck and loader traffic. Areas not used for plant operations, parking, roads or other uses are to be landscaped and watered to reduce windblown site dust. Cement powder shall be contained during transfer. Trees and bushes buffering the site are to be left whenever possible to reduce wind and trap dust. During time of little rain the plant and surrounding hard-surfaces will be washed down to reduce windblown dust. Lights used for operation are extinguished when the plant is not operating to eliminate glare after hours. Trees will be maintained to reduce glare that may leave the site during hours of operation. No burning of wrapping materials, lumber or paper is permitted to eliminate a possible heat and glare

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sources. The operator of the pit shall maintain a dust-abatement program on West Springcreek rd. as a dust reduction plan. Further the pit operator will periodically wash or broom the dust producing material buildup at the intersection of Church and West Springcreek.

- 4) No burning of wrapping materials, lumber or paper is permitted to eliminate possible smoke, fumes, gas or odors. The plant uses line power to farther reduce smoke, fumes, or odors generated by a combustion engine used to produce power. All combustion sources including engines must be properly fueled to reduce emissions.
- 5) Hours of operations of any manufacturing plant, business, extraction or mining operation or construction area are relevant if and only if the activity creates a public nuisance. The proposed site is 1500 feet inside the boundaries of the operator's property and there are 3 neighbors all of which approve of this activity within a one mile radius. There is little chance for the activity requested to create a public nuisance in a neighborhood so sparsely populated. Therefore I request normal hours of operation for the batch plant be the same as those conditioned FCU 06-02 7 am to 7pm Monday through Saturday with a 6 am plant startup only May to September.
- 6) Wash water created when cleaning out mixer trucks shall not be allowed to enter any stream, waterway, wetland or pond. The wash pond shall be clay lined to reduce water loss to the ground and may incorporate a water recycling pump to reuse water for washing. All chemicals, add-mixes, washing compounds, cement powder and other materials will be stored in compliance with product labeling. The operator shall maintain a current MSDS sheet for all products and materials on site. The operator will inform the proper agency of any spill or loss. The operator agrees to dispose of properly any outdated or unused products.

In regards to this application I have noted possible neighborhood impacts and developed a mitigation strategy for each in section (E.) If during the process a possible impact is identified I will develop a mitigation plan for that impact to be added to section (E.). I would ask that you condition section (E.) as the mitigation plan for the concrete batching facilities of this CUP.

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Second it is my intent to have available gravel products and a processing site to companies bidding state projects in the area. The anticipated processing plant would batch asphalt and be termed as a portable plant. It would be set-up in the pit and most likely moved at the end of a project. These plants will vary in size and configuration. Temporary crushers, processing plants and asphalt plants are required by state law to have an air quality permit under statute 75-2-101 and governed by rule ARM 17.8.740 and 17.8.1201. I propose the operation of this plant in the facilities area of the Krueger Pit as declared by the DEQ plan of operation required for all opencut mines. The plan of operation will be modified to include this type of facility and the storage of heating fuels and asphaltic oils. The DEQ plan of operation for the Krueger Pit would also be modified to represent the 6:00 am startup for the asphalt plant only from May thru September.

A. Site Suitability

- 4) The site is 80 acres located west of West Spring Creek rd. and is 600 feet west of West Springcreek rd. This area is currently the main farm of the Krueger farm and known as the Krueger pit through Flathead County zoning CUP FCU 06-02.
- 5) The access to the site is the current pit entrance from West Spring Creek rd. that was built to county road standards as a condition of this CUP. From West Spring Creek traffic will use Church dr. east or west. The ADT for asphalt production is 6 of 63.3 cumulative trips, and a possible peak use 60 % higher is 105 on occasion. These numbers assume gravel usage far higher than current numbers. A road core sampling of Church dr has shown that it is adequate for the use described.
- 6) The site is relatively flat with no creeks, springs, marshland, riparian areas, waterways or other environmental constraints. Two seasonal ponds are located 1550 feet east and south of the site. The property around these ponds is owned by the Krueger family. These ponds have tended to be dry in recent years, and would be dry if not used to store irrigation water. The shallow water table is 60 feet below the ground level and the deep aquifer 145. There are no fragile, compactable or unstable soils present. No important wildlife habitat, nesting, or feeding grounds will be impacted.

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B. Appropriateness of Design

- 8) The parking area would be 600 feet off West Spring Creek rd along the south side of the site. This area is currently used for the same purpose. Trucks would use a truck shed on site or a parking area near the center of the site.
- 9) Trucks entering from the east go 1200 feet west to the proposed location of an asphalt plant drive through or back into the batch plant to be loaded and egress the same route.
- 10) The site sits nearly at the center of 160 acres parcel owned by the Krueger family, one would need to travel a minimum of 600 feet in any direction to get off the operators property.
- 11) The site is currently fenced on four sides. A 600 foot long row of mature 70 foot tall pine trees screen the site to the southeast. An 1800 foot long mature shelterbelt screens the site from Church dr and West Spring Creek rd east of the site. A twenty year old single row of carigana trees screen the northeast side of the site. To the west is 600 feet of crops and the pit site from witch the gravel and sand to be processed will be mined.
- 12) The plant would be located in the pit floor leaving the current farm area undisturbed.
- 13) Signage at the entrance road will notice the operation, entrance and hours of operation.
- 14) Currently the site is lighted with security lights, operations lighting will be used and extinguish when not operating. These lights will be directed downward.

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E. Availability of Public Services and Facilities

- 1) Sanitation for the batch plant will be porta-toilets maintained by the company providing the toilet.
- 2) The water for the plant will be provided by a deep well on site if sufficient flows are available. Should demand for water increase a well will be drilled into the deep aquifer at the site.
- 3) Storm water from the plant and additional road or facilities would be minimal in volume and would be contained on the property. The area has sufficient open space to accommodate normal infiltration. Storm water from the plants would not enter the aquifer or other water bodies.
- 4) Fire protection is provided by the West Valley Fire Department. A 26,000 gallons cistern is currently located on the site and is draft capable to provide water for fire suppression.
- 5) The Flathead County Sheriff Department provides law enforcement for the area.
- 6) The Flathead County Road and Bridge department control and maintain the roads including Church dr. and West Spring Creek rd.

F. Identifying Possible Immediate Neighborhood Impacts

- 1) The asphalt batching facility would account for 6 ADT's and the cumulative number including all mining activities 63.3 ADT. A possible peak day use for all activities is estimated to be 105 trips. Possible traffic conflicts would come at the entrance to the site on West Springcreek and where West Springcreek enters Church dr. Of concern is truck traffic on Church drive a 22 foot wide county road posted at a 35 MPH speed.
- 2) The processing of sand and gravel has some possible noises and vibration associated to it. The tipping of gravel into feeder bins, trucks running, back-up alarms and combustion engines can all create noise or vibrations.
- 3) Transfer of gravel, sand or cement powder, truck and loader traffic and dust blown from the site may be a potential source of dust. Lighting for the operation could be a source of glare.

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- 4) Smoke, fumes, gas or odors from the running of trucks or loaders, asphalt production and generation of power and the heating of the control house or water are possible. Fuel for the heating process as well as asphaltic oils will be stored in an approved vessel and in a lined or bermed area to confine any spills. These plants will have an air quality permit.
- 5) Asphalt has a life or time frame where it is usable this time starts at the point of batching. The life of the mix is affected by temperature, humidity wind and rain as well as batch design. The size of a project may require more than twelve hours of lay-down time. The distance from the plant or conflicts at the project may require hours of operation outside of the normal.

In April of 2006 the Board of Adjustments met at public meeting and heard testimony in review of this Cup application (FCU 06-02). This operation was conditioned to mitigate traffic impacts identified in D1. These conditions included signage and road upgrades which were completed prior to the operations. Possible impacts identified in D2 were mitigated through hours of operation, mufflers and size of pit conditions in affect today. Conditions mitigating possible dust contamination referred to in D3 are in place at the Krueger Pit these included watering, revegetation and county road upgrades. D4 is the Air Quality part of this application both concrete and asphalt plants are required to have Air Quality permits issued by the state. The state has sole authority to issue permits in these cases. In D5 hours of operation are addressed as a possible impact, the current hours are 7:00am to 7:00pm Monday thru Saturday. Please be advised that processed materials have a short lifetime and many state projects require that materials like concrete or asphalt be on site at 7:00 am. A condition for a 6:00am startup of batching only would have little impact on the area. Concrete and asphalt only contribute to about 10% of gravel usage. I would request that you don't condition a twenty year time limit for this CUP, this site is currently a processing site and not a site to be reclaimed as was the state intent for placing this condition on other CUP's.

Gary Krueger

date

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Traffic calculations

Mining

1590160 /20 yrs.
79508/286 days
278/20 yds per load
13.9 ADT

Concrete facilities

271700/20 yrs
13585/286 days
47.5/10 yds per load
4.75 ADT

Asphalt facilities

343200/ 20 yrs
17160/286 days
60/20 yds per load
3 ADT

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Krueger Map

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